

REMARKS

Claim 86 is added herein. Claims 1-86 now remain pending in the application, with claims 31-55 and 67-85 withdrawn from consideration by a Restriction Requirement.

35 USC 112 Second Paragraph Rejection of Claims 31-33

The Office Action rejected claim 3 as allegedly being indefinite under 35 USC 112. In particular, the Office Action rejected the language "the pre-selected format" as allegedly lacking antecedent basis.

Claim 3 has been reviewed and is amended where appropriate. It is respectfully submitted that claim 3 is now in full conformance with 35 USC 112. It is respectfully requested that the rejection of claim 3 be withdrawn.

Claims 1-6, 8-17, 23-27, 30 and 56-66 over Jamtgaard

In the Office Action, claims 1-6, 8-17, 23-27, 30 and 56-66 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,430,624 to Jamtgaard et al. ("Jamtgaard"). The Applicants respectfully traverse the rejection.

Claims 1-6 and 8 recite a session manager examining data content from communications of a device and a content provider to change characteristics associated with a translator and a transformer. Claims 9-17, 23-27 and 30 recite session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface. Claims 56-66 recite translating and/or transforming that are performed based on examining at least one of a first data and a second data communicated between one or more devices, a controller and a content provider.

Jamtgaard appears to disclose a content delivery system and method in which different types of content may be delivered to different information appliances having different protocols and different browser specifications (col. 3, line 66-col. 4, line 7). A class attribute allows different

levels of content to be presented to different classes of devices (Jamtgaard, col. 14, lines 17-18).

Jamtgaard discloses use of class attributes to relate content to devices. However, Jamtgaard fails to disclose examining of the data itself as a basis for transformation. Jamtgaard fails to disclose or suggest a session manager examining data content from communications of a device and a content provider, session managing based on examining data content communicated between a device and a content provider interface, and translating and/or transforming that are performed based on examining at least one of a first data and a second data communicated between one or more devices, a controller and a content provider, as respectively recited by claims 1-6, 8-17, 23-27, 30 and 56-66.

A benefit of examining data content as a basis for translation and/or transformation is, e.g., centralized processing for convenient updates. Jamtgaard requires the use of class attributes that are assigned to data content before being received by a data formatter. Class attributes would have to be assigned to an uncountable number of pieces of information from an unknown number of servers throughout the world. Even if all servers would comply to assigning attributes to all stored data therein, the task is enormous to retrofit servers to comply with Jamtgaard, much less to assign class attributes to all future data stored therein. The cited prior art fails to disclose or suggest examination of data communicated as a basis for translation and/or transformation.

Accordingly, for at least all the above reasons, claims 1-6, 8-17, 23-27, 30 and 56-66 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 7 and 29 over Jamtgaard in view of Vange

In the Office Action, claims 7 and 29 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent Publication No. 2002/0002602 to Vange et al. ("Vange"). The Applicants respectfully traverse the rejection.

Claims 7 and 29 are dependent on claims 1 and 9, and are allowable for at least the same reasons as claims 1 and 9.

Claim 7 recites a session manager examining data content from communications of a device and a content provider to change characteristics associated with a translator and a transformer. Claim 29 recites session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface.

As discussed above, Jamtgaard examines class attributes as a basis for data transformation. Jamtgaard fails to disclose or suggest examining data content communicated as a basis for translating and/or transforming, as recited by claims 7 and 29.

The Office Action relies on Vange to allegedly make up for the deficiencies in Jamtgaard to arrive at the claimed invention. The Applicants respectfully disagree.

Vange is not prime facie prior art with respect to the claims of the present invention.

In particular, the present application was filed on November 13, 2000, before the effective filing date of the changes to 35 USC 102(e). The pre-AIPA 35 USC 102(e) read as follows:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Vange was issued from an “application for patent” filed on April 16, 2001, which was nearly 5 months after the filing date of the present application for patent was filed.

Vange apparently claims priority from a provisional application, which is an “application for patent” as no patent would issue from those applications.

Moreover, even if Vange were to be somehow presumed to have been an “application for patent” filed on the dates that the provisional application was filed (which would be improper), the Examiner provides no prima facie evidence that the cited passages at page 9, paragraph 0091; page 10, paragraphs 0096 and 0097; and page 9, paragraph 0089 (Office Action at 9) are all contained within any of the provisional applications.

If the Examiner were to rely on subject matter within any of the provisional applications bearing an earlier filing date than the present application, then such provisional application must be formally cited, and the Applicant must be given a copy of such provisional application to have the ability to respond thereto.

Lastly, even if the Examiner were to improperly consider Vange’s **provisional** applications to be an “application for patent” as required by 35 USC 102(e), and even if such provisional application were to contain the subject matter cited by the Examiner at page 9, paragraph 0091; page 10, paragraphs 0096 and 0097; and page 9, paragraph 0089, Vange still fails to disclose, teach or suggest the present invention.

In particular, the claims of the present application require an **examination of data communicated** as a basis for translation and/or transformation.

Vange discloses a method and system for connecting a plurality of servers to a plurality of clients. (Tanaka, Abstract) Tanaka fails to disclose a need for translation and/or transformation, much less suggest an **examination of data communicated** as a basis for translation and/or transformation, as recited by claims 7 and 29.

Neither Jamtgaard nor Vange, either alone or in combination, disclose, teach or suggest a system and method wherein an **examination of data communicated** as a basis for translation and/or transformation, as recited by claims 7 and 29.

Accordingly, for at least all the above reasons, claims 7 and 29 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 18-22 over Jamtgaard in view of Nielson

In the Office Action, claims 18-22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent No. 5,899,975 to Nielson ("Nielson"). The Applicants respectfully traverse the rejection.

Claims 18-22 are dependent on claim 9, and are allowable for at least the same reasons as claim 9.

Claims 18-22 recite session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface.

As discussed above, Jamtgaard examines class attributes as a basis for data transformation. Jamtgaard fails to disclose or suggest examining data content itself as a basis for translating and/or transforming, as recited by claims 18-22.

The Office Action relies on Nielson to allegedly make up for the deficiencies in Jamtgaard to arrive at the claimed invention. The Applicants respectfully disagree.

Nielson is relied on to disclose two style sheets that are selected and applied independently to a second data at Nielson, col. 7, lines 31-36, and the capabilities of style sheets adding additional functionality and a much more pleasing and semantically consistent presentation for a user at col. 1, lines 54-57 and col. 8, lines 28-29 (Office Action, page 10).

Nielson appears to disclose using a style sheet for the generating audio information generated by a voice synthesizer from text (Abstract).

Nielson uses a style sheet to control the sound produced by a voice synthesizer. Applicants' style sheet is used to control a translator and/or transformer in a communication path between a client and a content provider. Thus, Jamtgaard modified by Nielson would result in Jamtgaard using a style sheet to control the sound produced by audio information by a voice synthesizer, which is nonsensical since Jamtgaard fails to even disclose a voice synthesizer.

Neither Jamtgaard nor Nielson, either alone or in combination, disclose, teach or suggest session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface, as recited by claims 18-22.

Accordingly, for at least all the above reasons, claims 18-22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 28 over Jamtgaard in view of McCartney

In the Office Action, claim 28 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Jamtgaard in view of U.S. Patent Publication No. 2002/0010716 to McCartney et al. ("McCartney"). The Applicants respectfully traverse the rejection.

Claim 28 is dependent on claim 9, and is allowable for at least the same reasons as claim 9.

Claim 28 recites session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface.

McCartney is not prime facie prior art with respect to the claims of the present invention.

In particular, the present application was filed on November 9, 2000, before the effective filing date of the changes to 35 USC 102(e). The prior

art date of the reference is determined under 35 USC 102(e) prior to the amendment by the AIPA. Pre-AIPA 35 USC 102(e) read as follows:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

McCartney was issued from an "application for patent" filed on January 29, 2001, which was nearly 2 months after the filing date of the present application for patent was filed.

McCartney apparently claims priority from a provisional application, which is an "application for patent" as no patent would issue from those applications.

Moreover, even if McCartney were to be somehow presumed to have been an "application for patent" filed on the date of the provisional application were filed (which would be improper), the Examiner provides no prima facie evidence that the cited passages at page 2, paragraph 0020 and page 1, paragraph 0007 (Office Action at 11) are all contained within any of the provisional applications.

If the Examiner were to rely on subject matter within any of the provisional applications bearing an earlier filing date than the present application, then such provisional application must be formally cited, and the Applicant must be given a copy of such provisional application to have the ability to respond thereto.

Lastly, even if the Examiner were to improperly consider McCartney's **provisional** applications to be an "application for patent" as required by 35 USC 102(e), and even if such provisional application were to contain the subject matter cited by the Examiner at page 2, paragraph 0020 and page 1, paragraph 0007, McCartney still fails to disclose, teach or suggest the present invention.

In particular, the claims of the present application require session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface.

McCartney is relied on to disclose querying a provider database, receiving a previously registered XSL style sheet associated with a new content provider from a provider database, and optimizing a web site for clients having different capabilities (Office Action, page 11).

McCartney discloses a method and system that generates web pages optimized for a client's capabilities, such as browser type, browser version, available transfer rate, display capabilities, and terminal device capabilities (Abstract). A server generates the web pages optimized for the client's capabilities (McCartney, Figs. 2 and 3).

Thus, McCartney discloses creation of original content web pages optimized for a client's capabilities, **NOT** performing translating and/or transforming of data communicated between a device and a content provider interface, as recited by claim 28.

Neither Jamtgaard nor McCartney, either alone or in combination, disclose, teach or suggest session managing to change characteristics associated with translating and/or transforming based on examining data content communicated between a device and a content provider interface, as recited by claim 28.

Accordingly, for at least all the above reasons, claim 28 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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